

March 26, 2004

121009 & (71)

CENTRAL CEILING & PARTITION, INC.,
Plaintiff-Appellee,

v

SC: 121009
COA: 225378
Wayne CC: 98-810597-CH

DEPARTMENT OF COMMERCE,
Defendant-Appellant,
and

KITCHEN SUPPLIERS, INC.,
Defendant-Appellee,
and

CAPPY HEATING AND AIR
CONDITIONING, INC.,
Intervening Plaintiff-Appellee,
and

PRIMEAU HOMES, INC.,
Defendant,
and

WAYNE COUNTY REGISTER OF DEEDS,
Defendant.

On December 29, 2003, we ordered the Wayne County Register of Deeds to file with the Clerk of this Court a brief, and having received that brief, we further DIRECT the Register to file, within thirty-five days, a supplemental brief stating: (1) whether its TRIMIN system is in actual compliance with the terms of MCL 565.25(1), and, specifically, whether the “day, hour, and minute of receipt” is entered into the TRIMIN system as required by § 565.25(1); (2) whether the liens involved in this case, i.e., the liens filed by Central Ceiling & Partition, Inc., Kitchen Suppliers, Inc., and Cappy Heating and Air Conditioning, Inc., were actually entered into the TRIMIN system and, if so, what “date, hour and minute” is indicated in the TRIMIN system regarding the receipt of these liens; (3) if the TRIMIN system does not record the “day, hour, and minute of receipt,” why the Register asserts that its system is in compliance with § 565.25(1); (4) if the TRIMIN system is not in actual compliance with § 565.25(1) or if the liens at issue in this case were not entered into that system, whether the Register can reconstruct from its

records the date, hour, and minute of receipt of the liens at issue as required by § 565.25(1); and (5) if the TRIMIN system is not in actual compliance with § 565.25(1), what steps the Register intends to take with regard to its statutory obligation to record lien documents such as the documents at issue in this case.

Factual representations by the Wayne County Register of Deeds shall be supported by affidavit. The Register shall promptly serve its response upon all other parties of record. If any party wishes to respond to the submission by the Register, the party may do so within twenty-one days of the date on which the Register's submission is received by the Clerk of this Court.

We retain jurisdiction of this appeal, which remains pending.